

ESTTA Tracking number: **ESTTA598693**

Filing date: **04/15/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91207899
Party	Plaintiff PartyGaming IA Limited
Correspondence Address	SCOTT W JOHNSTON MERCHANT GOULD PC PO BOX 2910 MINNEAPOLIS, MN 55402 0910 UNITED STATES dmattessich@merchantgould.com, dockmpls@merchantgould.com
Submission	Motion to Compel Discovery
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Signature	/gcg/
Date	04/15/2014
Attachments	party_20140415141855.pdf(3820558 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PartyGaming IA Limited,	)	Opposition No. 91207899
	)	
Opposer,	)	Mark: <b>PARTY STAR POKER</b>
	)	
v.	)	Serial No.: 85/571,885
	)	
Yessenia Soffin,	)	Filing Date: March 16, 2012
	)	
Applicant.	)	Published: July 24, 2012
	)	

**OPPOSER’S MOTION TO COMPEL ADEQUATE RESPONSES TO DISCOVERY  
REQUESTS AND REQUEST TO SUSPEND**

Opposer, PartyGaming IA Limited (“Opposer”), moves the Board to issue an Order compelling Applicant, Yessenia Soffin (“Applicant”) to respond fully to Opposer’s First Set of Interrogatories; Opposer’s First Set of Requests for Production of Documents & Things, both of which were served on Applicant on June 13, 2013. Opposer also requests that Applicant provide contact information for her potential witnesses identified in discovery and during initial disclosures so that depositions may be noticed for the same. Opposer also requests that Applicant provide deposition dates and Applicant’s location so that Applicant’s deposition may be taken.

As further explained below, counsel for Opposer has made numerous efforts to meet and confer with counsel for Applicant to no avail. Moreover, counsel for Opposer did advise Applicant, in a detailed written letter, of the nature of the deficiencies in Applicant’s discovery responses. Applicant has failed to respond to Opposer’s letter, emails or telephone calls, and has failed to supplement its discovery responses to address the identified deficiencies. Opposer

further requests that the Board suspend the proceedings pursuant to 37 CFR § 2.120(e)(2) pending this motion.

## **I. Factual Background and Procedural Posture**

This case is about whether Applicant's PARTY STAR POKER mark is confusingly similar to Opposer's PARTY POKER mark for use with the same and similar services. In view of the matters put at issue by the parties' respective pleadings, on June 13, 2013, Opposer served Opposer's First Set of Interrogatories and Opposer's First Set of Requests for Production of Documents & Things. (Declaration of Gregory Golla, hereinafter "Golla decl.," at Exs. A-B.) After receiving no response, Opposer filed a motion for summary judgment on October 31, 2013. On December 5, 2013 with an updated response on December 16, 2013, Applicant responded to the Summary Judgment motion claiming that counsel for Applicant had served responses to Requests for Admission. On February 10, 2014, the Board allowed Applicant's Admissions Responses and denied Applicant's Motion for Summary Judgment because it was based upon the admissions. On February 28, 2014, Opposer's counsel sent a discovery letter confirming that full discovery by Applicant would be served by March 14, 2014, along with deposition dates for Applicant's witnesses. Golla Decl. Ex. E. On March 14, 2014, Applicant served its Answers and Objections to Opposer's First Set of Interrogatories and Answers and Objections to Opposer's First Request For Production of Documents and Things. Golla Decl. Ex C-D.

In its responses, Applicant failed to adequately respond to the written discovery requests that were served, and instead relied on improper and unfounded objections. Applicant's objections not only are wholly unsupported by the decisions of the Board and the Rules

applicable to this proceeding, but also at times are directly contradicted by Applicant's responses to other related requests.

In a good faith attempt to resolve the discovery issues, counsel for Opposer first wrote to Applicant's counsel on March 14, 2014 regarding the discovery deficiency. Golla Decl. Ex. F. Counsel for Opposer further wrote to counsel for Applicant on March 28, 2014, detailing the numerous deficiencies in Applicant's responses. Golla Decl. at Ex. G. In that letter, counsel for Opposer requested supplementation of the deficient responses. *Id.* Opposer also served a deposition notice for Applicant with its deficiency letter. On April 8, 2014, Opposer's counsel telephoned Applicant's counsel and sent a follow up email requesting a conference regarding the issues. Golla Decl. Ex. H. On April 14, 2014, Opposer's counsel sent a final email requesting a discovery conference. Golla Decl. Ex. I. Applicant's counsel has not substantively responded to counsel for Opposer. Golla Decl. ¶14.

Applicant failed to provide the requested supplementation of discovery responses in response to Opposer's requests.

## **II. Argument and Request for Relief**

A motion to compel is available when a party fails to provide requested discovery. 37 C.F.R. § 2.120(e); TBMP §§ 411, 523.01. The propounding party must file a motion to compel prior to the commencement of the first testimony period. 37 C.F.R. §§ 2.120(e)(1), 2.120(h)(1); TBMP § 523.03. Applicant's responses are deficient in many respects. The testimony period in this case has not yet begun and is not scheduled to begin for a few months. In order to allow it to complete the necessary discovery to prepare its case, Opposer seeks an order compelling Applicant to respond to Opposer's discovery requests as further set forth below.

The scope of discovery in an *inter partes* proceeding before the Board is governed by Fed. R. Civ. P. 26(b)(1). Rule 26(b)(1) entitles a party to “obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party . . . .” Under the Rules, a party’s rights to discovery are broad. Pruett v. Erickson Air-Crane Co., 183 F.R.D. 248, 251 (D. Or. 1998); Walters v. State Farm Mut. Auto Ins. Co., 141 F.R.D. 307, 308 (D. Mont. 1990). A party objecting to answering discovery bears a heavy burden to show why the discovery should be denied. Blakenship v. Hearst Corp., 519 F.2d 418, 429 (9th Cir. 1975).

## **DOCUMENT REQUESTS**

In response to Opposer’s Document Requests, Applicant produced 29 pages of documents, all but 6 pages of which are either the Notice of Opposition in this case, Archive.org database records, or GoDaddy whois searches. Applicant provided no documents related to the selection, adoption and first use of the Applicant’s mark. There is absolutely no internal or external correspondence or emails related to the Applicant’s mark or services.

No documents appear to be produced in response to the following document requests despite indicating that documents exist:

1. All documents and things referring or relating to the dates of first use and first use in commerce in the United States by Applicant of Applicant's mark on or in connection with Applicant's services.
2. All documents relating to Applicant's creation, consideration, design, development, selection, adoption, availability, and registration or attempts to register, both in the United States and abroad, of Applicant's mark.
5. Representative samples of Documents and Things referring or relating to the dates of the most recent use in commerce in the United States by Applicant of Applicant's mark in connection with Applicant's services.

6. All documents which disclose the length of time during which Applicant has offered goods or services under Applicant's mark in the U.S.
20. Each and every search conducted by or on behalf of Applicant regarding use of Applicant's mark or other designations that include the terms PARTY and POKER, or derivations thereof.
21. All Documents referring or relating to applications to register Applicant's mark, or any registrations to Applicant's mark, in the United States.
24. All documents which disclose the channels of trade through which Applicant offers or intends to offer services under Applicant's mark.
25. All documents, which disclose representative customers who have purchased Applicant's services offered under Applicant's mark including, but not limited to, reports regarding customer demographics.
26. All documents which relate to Applicant's past, present or future marketing plans or strategies for goods or services offered under Applicant's mark, including but not limited to, dollar amount expenditures, target markets, channels of trade, and demographic studies.
32. All Documents and Things related to any litigation, oppositions, cancellations, other trademark proceedings, civil litigations or criminal matters in which Applicant has been involved as a party or witness.

Applicant claims that no documents exist relating to many requests, including

14. Documents from which Opposer can determine the amount of money that Applicant has expended or intends to expend on advertising Applicant's mark in the United States since Applicant first used Applicant's mark.
27. All Documents and Things from which the price of Applicant's services provided in connection with Applicant's mark, and the volume of sales of such services to date, can be determined.
38. Copies of complete federal and state tax filings for Applicant for the past five years.

This is despite the response to the Interrogatory:

Interrogatory No. 17: State Applicant's yearly expenditures to date with respect to the advertising and promotion of Applicant's mark in conjunction with each good or service since sales first began under Applicant's mark.

**Answer:** Applicant estimates its yearly advertising and promotional costs in connection with Applicant's Services to date to be nearly two million dollars (\$2,000,000).

Applicant claims two million dollars in advertising and promotional expenses per year yet has no documents related to the same. In this regard, Opposer requests a full and complete response to these Document requests and the Interrogatories related to finances (discussed below).

Opposer's document requests are directly relevant to the issues in this proceeding and are not unduly burdensome. The fact that Applicant served merely 6 pages of responsive documents and 23 pages of publicly available downloads of Internet information demonstrates Applicant's failure to respond to discovery. In this regard, Opposer requests that Applicant be compelled to respond to discovery, state the details related to what was done to gather documents to determine no documents exist, and/or be precluded from utilizing any documents which were not produced during discovery.

## **INTERROGATORIES**

Applicant has not provided a signed verification page to its Interrogatory Responses, despite requests of Opposer for this verification page.

Applicant does not provide contact information for third party witnesses identified in Applicant's Initial Disclosures or Interrogatory responses, despite being required to do so by the requests and despite requests from Opposer's counsel. In particular, Opposer needs the contact information for Will Jordan and William Soffin and has requested that Applicant indicate whether this is the same person. Additionally, it is unclear whether Applicant's address has changed. Opposer noticed Applicant's deposition for Applicant's address of record, but has been

unable to confirm with Applicant's counsel whether the deposition can take place as noticed as Applicant's counsel has not responded to Opposer's numerous requests.

Opposer requests that Applicant respond in full to all Interrogatory Requests and in particular to:

Interrogatory No. 19: Specify the approximate gross revenue including, but not limited to, projected revenue generated by sales of Applicant's goods or services under Applicant's mark for each year since such sales began to the present.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad and burdensome.

Interrogatory No. 24: Specify whether Applicant intends to expand the goods/services offered under Applicant's mark to other goods or services, other channels of trade, or other geographic territories, and identify all documents relating or referring to such expansion.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad and burdensome.

Interrogatory No. 25: Identity all licensees of Applicant's mark, and in doing so, describe the terms of the licensing arrangement and identify each product or service offered by the licensee under each arrangement.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad and burdensome.

Interrogatory No. 10: Specify the date of first use in commerce in the United States of Applicant's mark in connection with each good or service to be identified in response to Interrogatory No. 9, the manner of such use or intended use, the geographic territory in which such use has occurred or is intended to occur, and the types or classes of customers who were exposed to such use, and identify all Documents referring or relating to such first use.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad. Subject to said objection, Applicant began use of Applicant's mark for Gambling services; Providing a web-based system and on-line portal for customers to participate in on-line gaming, operation and coordination of game tournaments, leagues and tours in October 2011. Applicant's Services have been offered on domain name partystarpoker.com. Consumers of Applicant's Services are adults who enjoy playing online poker.

Interrogatory No. 22: Identify each person that Applicant expects to call as a witness in this proceeding, and state the subject matter on which such witness is expected to testify.



**Answer:** Will Jordan.

Interrogatory No. 27: Identify and describe all documents Applicant expects to use, introduce and/or rely upon during this opposition proceeding.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad and burdensome. Subject to said objection, see Applicant's Document Responses to Opposer's First Set of Request Production of Documents.

Interrogatory 28: Specify why Applicant took down the web site partystarpoker.com and identify all Persons with knowledge of the same.

**Answer:** Applicant was forced to shut down the website after his service provider received threatening emails from opposer.

All of the above requests are highly relevant to this proceeding and Applicant's baseless objections and/or cursory responses are simply without merit. In this regard, Opposer requests that Applicant be compelled to respond to discovery, provide a signed verification page to its Interrogatory Responses, provide contact information for third party witnesses identified in Applicant's Initial Disclosures or Interrogatory responses, and provide possible deposition dates for Applicant along with Applicant's current residence information.

### **III. Conclusion**

For all of the aforementioned reasons, Opposer respectfully requests that its motion to compel be granted, compelling Applicant, within 10 days of the mailing date of the Order, to substantively respond to each Interrogatory, to produce the documents requested, and to make its witnesses available for deposition at a certain time and place. Opposer asks that the Board suspend proceedings pending resolution of this motion and expand the discovery period by 60 days to enable an adequate review and further discovery.

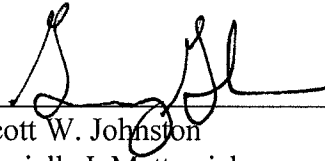
Respectfully submitted,

PARTYGAMING IA LIMITED

By its Attorneys,

Date: \_\_\_\_\_

1-15-2014



\_\_\_\_\_  
Scott W. Johnston

Danielle I. Mattessich

Gregory Golla

MERCHANT & GOULD P.C.

80 South Eighth Street, Suite 3200


Minneapolis, MN 55402-2215

(612) 332-5300

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing MOTION FOR SUMMARY JUDGMENT was served upon the following attorney for Applicant by First Class Mail, postage prepaid, this 15 st day of April, 2014.

MATTHEW H SWYERS  
THE TRADEMARK COMPANY  
344 MAPLE AVENUE WEST, SUITE 151  
VIENNA, VA 22180-5612

  
\_\_\_\_\_  
Gregory Golla

### **DECLARATION OF GREGORY GOLLA**

I, Gregory Golla, being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, declare that all statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. The facts set forth herein are known personally to me or are based on company records.

1. I am currently employed at Merchant & Gould P.C. ("hereinafter "Merchant" or "my Company"), an intellectual property law firm with a principal place of business located at 80 S. 8<sup>th</sup> Street, Suite 3200, Minneapolis, MN 55412.

2. My job duties at Merchant include, among other things, providing trademark counseling to clients conducting business in a wide variety of industries, drafting availability and infringement opinions, developing trademark protection and enforcement strategies on a global basis, preparing and prosecuting trademark applications for federal registration, managing appeals before the Trademark Trial and Appeal Board, handling opposition and cancellation proceedings before the Trademark Trial and Appeal Board, and negotiating agreements for settlement, coexistence and licensing purposes in the U.S. and abroad.

3. With other attorneys at Merchant & Gould, I represent Opposer in the matter captioned PartyGaming IA Limited vs. Yessenia Soffin, Opposition No. 91207899, currently pending before the Trademark Trial and Appeal Board.

4. Attached as Exhibit A is a true and correct copy of Opposer's First Request For Production of Documents And Things.

5. Attached as Exhibit B is a true and correct copy of Opposer's First Set Of Interrogatories.

6. Attached as Exhibit C is a true and correct copy of Applicant's Responses to Opposer's First Request For Production of Documents And Things.

7. Attached as Exhibit D is a true and correct copy of Applicant's Responses to Opposer's First Set Of Interrogatories.

8. Attached as Exhibit E is a true and correct copy of an email chain to Matt Swyers dated February 28, 2014 detailing discovery actions that were agreed to.

9. Attached as Exhibit F is a true and correct copy of an email chain to Matt Swyers dated March 14, 2014 detailing discovery deficiencies.

10. Attached as Exhibit G is a true and correct copy of a discovery deficiency letter from Gregory Golla to Matt Swyers dated March 28, 2014.

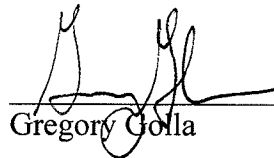
11. Attached as Exhibit H is a true and correct copy of an email from Gregory Golla to Matt Swyers dated April 8, 2014.

12. Attached as Exhibit I is a true and correct copy of an email from Gregory Golla to Matt Swyers dated April 14, 2014.

13. Applicant's counsel Matt Swyers has provided no substantive response to Opposer's requests regarding discovery deficiencies and only offered to have a phone conference Friday April 18, 2014 in response to Opposer's repeated requests.

14. Applicant failed to provide the requested supplementation of discovery responses in response to Opposer's requests.

Dated: 4-15-2014

  
\_\_\_\_\_  
Gregory Golla

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PartyGaming IA Limited,	)	Opposition No. 91207899
	)	
Opposer,	)	Mark: PARTY STAR POKER
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v.	)	Serial No.: 85/571,885
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Yessenia Soffin,	)	Filing Date: March 16, 2012
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Applicant.	)	Published: July 24, 2012

**OPPOSER'S FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS AND THINGS**

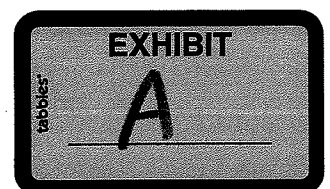
Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Opposer requests that Applicant produce and mail to Opposer's attorney, within the time specified by the Federal Rules of Civil Procedure and the Trademark Rules of Practice, copies of the following Documents and Things which are in Applicant's possession, custody, or control.

**DEFINITIONS AND INSTRUCTIONS**

The Definitions and Instructions included in Opposer's First Set of Interrogatories are incorporated herein by reference.

(1) These requests shall be deemed continuous and Applicant shall be obligated to change, supplement and amend its answers hereto, if and when filed, as prescribed by Rule 26(e) of the Federal Rules of Civil Procedure.

(2) If Applicant objects to the production of any document, which falls within a request based on a claim of privilege or a claim that such documents constitute attorney work product, the following information is requested:



- (a) The date of the document;
- (b) The name of the document's originator, the name of the person to whom it is addressed and the names of all persons who were shown copies;
- (c) A general description of the type of document and the subject matter to which it pertains; and
- (d) The basis for withholding the document.

**DOCUMENTS AND THINGS TO BE PRODUCED**

1. All Documents and Things referring or relating to the dates of first use and first use in commerce in the United States by Applicant of Applicant's mark on or in connection with Applicant's services.

Response:

2. All documents relating to Applicant's creation, consideration, design, development, selection, adoption, availability, and registration or attempts to register, both in the United States and abroad, of Applicant's mark.

Response:

3. All documents relating to any market studies, surveys, focus groups, or other studies, which relate to the use or advice against use of Applicant's mark for Applicant's services.

Response:

4. All documents relating to Applicant's decision to offer for sale services under Applicant's mark.

Response:

5. Representative samples of Documents and Things referring or relating to the dates of the most recent use in commerce in the United States by Applicant of Applicant's mark in connection with Applicant's services.

Response:

6. All documents which disclose the length of time during which Applicant has offered goods or services under Applicant's mark in the U.S.

Response:

7. All Documents and Things referring or relating to instances in which a person has been confused, deceived, or mistaken about the source of (a) Opposer's mark, believing it to be Applicant's mark, or (b) Applicant's mark, believing it to be Opposer's mark, or (c) Opposer's mark or Applicant's mark, believing that Opposer and Applicant were a single entity or related entities.

Response:

8. All Documents and Things ever sent or received by Applicant regarding any allegations by Applicant that others have infringed Applicant's mark, or regarding any allegations by another Person that Applicant has infringed another Person's mark by Applicant's use of Applicant's mark.

Response:



9. All Documents and Things referring or relating to inter party state or federal Trademark Office proceedings, or inter party state or federal court proceedings, in which Applicant or Applicant's mark was or is involved.

Response:

10. All Documents and Things referring or relating to polls, studies, surveys or investigations conducted by or for Applicant relating to Applicant's mark, Opposer, Opposer's mark or Opposer's goods and services.

Response:

11. All Documents and Things, including statements to Applicant's customers, referring or relating to Applicant's services under Applicant's mark.

Response:

12. Representative samples of different advertisements, press releases, catalogs, brochures, point of purchase materials, web pages, training manuals, instruction manuals, or other advertising means or media in which Applicant's mark has been used, is used, or will be used by Applicant.

Response:

13. All correspondence with any advertising or sales agent relating in any way to Applicant's mark, Opposer or Opposer's mark.

Response:

14. Documents from which Opposer can determine the amount of money that Applicant has expended or intends to expend on advertising Applicant's mark in the United States since Applicant first used Applicant's mark.

Response:

15. All documents evidencing Applicant's current or planned use of Applicant's mark.

Response:

16. Each and every contract, agreement, or other understanding, written and oral, between Applicant and any other entity concerning use of Applicant's mark or variations thereof, including, but not limited to, all license, franchise, and license agreements with any other person or entity.

Response:

17. All documents related to any instances in which a third party has objected to the use or intended use and/or registration of Applicant's mark by Applicant.

Response:

18. All documents, which relate to the circumstances under which Applicant first became aware of Opposer's mark.

Response:

19. All communications between Applicant (or one of her franchisees or licensees) and any other person which refer to Opposer, Opposer's mark, and/or Opposer's goods and services.

Response:

20. Each and every search conducted by or on behalf of Applicant regarding use of Applicant's mark or other designations that include the terms PARTY and POKER, or derivations thereof.

Response:

21. All Documents referring or relating to applications to register Applicant's mark, or any registrations to Applicant's mark, in the United States.

Response:

22. All Documents referring or relating to applications to register any mark that includes the term "PARTY," or any applications/registrations that include the term "PARTY."

Response:

23. All documents which disclose the territorial areas where Applicant offers services or plans to offer services under Applicant's mark and the length of time during which each of such goods have been offered in each territory.

Response:

24. All documents which disclose the channels of trade through which Applicant offers or intends to offer services under Applicant's mark.

Response:

25. All documents, which disclose representative customers who have purchased Applicant's services offered under Applicant's mark including, but not limited to, reports regarding customer demographics.

Response:

26. All documents which relate to Applicant's past, present or future marketing plans or strategies for goods or services offered under Applicant's mark, including but not limited to, dollar amount expenditures, target markets, channels of trade, and demographic studies.

Response:

27. All Documents and Things from which the price of Applicant's services provided in connection with Applicant's mark, and the volume of sales of such services to date, can be determined.

Response:

28. All documents or things prepared or considered by any experts employed by Applicant in connection with his or her formation of an opinion concerning the subject matter of this Opposition.

Response:

29. All Documents and Things identified in Applicant's Responses to Opposer's First Set of Interrogatories.

Response:

30. All Documents and Things which Applicant believes provide any support for each refusal to admit (or deny) in the accompanying Opposer's First Set of Requests for Admissions.

Response:

31. All Documents and Things which Applicant believes provide any support for each refusal to admit (or deny) in Applicant's Answer to Opposer's Notice of Opposition.

Response:

32. All Documents and Things related to any litigation, oppositions, cancellations, other trademark proceedings, civil litigations or criminal matters in which Applicant has been involved as a party or witness.

Response:

33. All Documents and Things showing use of Applicant's mark in connection with Applicant's services offered in brick and mortar establishments.

Response:

34. All Documents and Things referring or relating to Applicant's communications with its licensees and/or franchisee's regarding their use of Applicant's mark.

Response:

35. All Documents and Things referring or relating to any plans or considerations by Applicant of expanding the use of Applicant's mark in any way, including to other goods and services, through other channels of trade, through grocery stores or other retail or wholesale outlets.

Response:

36. All Documents and Things referring or relating to any rejections or complaints issued by a gaming commission with respect to Applicant's services that bear the designation "PARTY STAR POKER."

Response:

37. All Documents and Things referring or relating to any variations of logos for Applicant's services, in the past, present, and future, that bear the designation "PARTY STAR POKER."

Response:

38. Copies of complete federal and state tax filings for Applicant for the past five years.

Response:

39. All Documents and Things referring or relating to any communications between Applicant and Opposer.

Response:

Date: 6-13-13

PARTYGAMING IA LIMITED,

By its attorneys,



Scott W. Johnston, Reg. No. 39,721

Danielle I. Mattessich

MERCHANT & GOULD P.C.

80 South Eighth Street, Suite 3200

Minneapolis, Minnesota 55402-2215

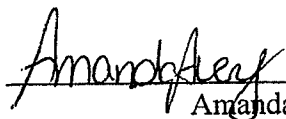
Telephone: (612) 332-5300

[sjohnston@merchantgould.com](mailto:sjohnston@merchantgould.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS was served upon the following attorney of record for Applicant by email and First Class Mail, postage pre-paid, this 13<sup>th</sup> day of June, 2013:

Matthew H. Swyers  
The Trademark Company  
344 Maple Avenue West, Suite 151  
Vienna, VA 22180-5612  
mswyers@thetrademarkcompany.com

  
Amanda Avery



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Yessenia Soffin,	)	Filing Date: March 16, 2012
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Applicant.	)	Published: July 24, 2012
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**OPPOSER'S FIRST SET OF INTERROGATORIES**

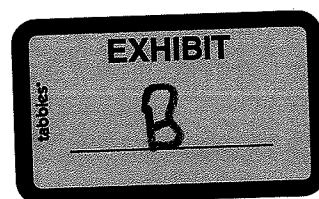
Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Opposer hereby serves Opposer's First Set of Interrogatories and requests that Applicant respond to the Interrogatories under oath within the time provided by the Federal Rules of Civil Procedure and Trademark Rules of Practice.

**DEFINITIONS AND INSTRUCTIONS**

The following Definitions and Instructions shall apply to these Interrogatories:

(1) "Opposer" means Opposer, PartyGaming IA Limited ("Opposer" or "PartyGaming"), its predecessors in interest, successors in interest, licensees, parents, subsidiaries, divisions and related organizations and their officers, directors, employees, agents, representatives, and all other Persons acting or purporting to act on their behalf, as the context hereof may require.

(2) "Applicant" means, the Applicant, Yessenia Soffin, her predecessors in interest, successors in interest, licensees and related organizations and their officers, directors, employees, agents, representatives, and all other Persons acting or purporting to act on her behalf, as the context hereof may require.



(3) "Person" means any individual, sole proprietorship, partnership, firm, corporation, joint venture, association, or other entity.

(4) "Document" means any medium in the possession, custody, or control of Applicant upon which intelligence or information is recorded or from which intelligence or information can be obtained, including by way of illustration, but not by way of limitation, the following items: Letters, reports, communications, including internal company communications; preliminary notes and drafts; telegrams; telexes; faxes; memoranda; summaries of records of telephone conversations; routing (or buck) slips; magnetic media from which audible or visual information can be obtained, such as tapes, discs, or the like; diaries; graphs; notebooks; charts; plans; artists' drawings; positive or negative prints of photographic pictures, motion or still, including excised frames of motion pictures; minutes of records of conferences and meetings, including meetings of directors, executive committees and financial committees; lists of Persons attending meetings or conferences; expressions or statements of policy; reports or summaries of investigations, opinions, or reports of consultants; non-privileged communications with attorneys; records of summaries of negotiations; contracts and agreements; brochures; pamphlets; advertisements; circulars; trade letters; press releases; drafts of any documents; and revisions of drafts of any documents. For purposes of these interrogatories, "Document" shall also mean any of the foregoing not in Applicant's possession, custody or control, the existence of which is known to Applicant. For purposes of these interrogatories, any such Document bearing on any sheet or side thereof any marks of any kind, such as initials, stamped indicia, comments or notations, which was not part of the originally created Document, is to be considered and identified as a separate Document.

(5) "Thing" means any physical object other than a Document.

(6) "Trademark" and "mark" mean trademark, service mark, or design mark.

(7) "Opposer's mark" means the **PARTYPOKER**<sup>+</sup> mark identified in U.S.

Registration No. 2,986,410.

(8) "Opposer's goods and services" mean the goods and services identified in U.S.

Registration No. 2,986,410, namely:

Computer game software distributed via the Internet; and Electronic newsletters distributed via the Internet and electronic mail, in International Class 9.

Arranging, organizing and conducting entertainment services in the form of online contests and games of chance, in International Class 41.

(9) "Applicant's mark" means the mark PARTY STAR POKER identified in U.S.

Application No. 85/571885.

(10) "Applicant's services" mean the services identified in U.S. Application No. 85/571885, namely, "gambling services; providing a web-based system and on-line portal for customers to participate in on-line gaming, operation and coordination of game tournaments, leagues and tours," in International Class 41.

(11) "Specify" means to provide full and detailed information.

(12) Where identification of any Document or Thing is required by use of the word "Identify," such identification should be sufficient to support a request for the production of the Document or Thing under Rule 34 of the Federal Rules of Civil Procedure, and should include by way of illustration but without limitation the following information, even if Applicant intends to object to the production of said Document or Thing:

(a) the type of the Document or Thing, i.e., whether it is a letter, memorandum, report, drawing, chart, etc.;

- (b) the general subject matter of the Document or Thing;
- (c) the name of the creator of the Document or Thing;
- (d) any numerical designation appearing on the Document or Thing, such as a drawing number, sample number or file references; and
- (e) if the Document or Thing is not in Applicant's possession, custody, or control, the identity, as defined herein below, of the Person having possession, custody or control of said Document or Thing.

(13) Where the identification of a Document or Thing is required by use of the word "Identify," Applicant may, in lieu of identification, at the time Applicant serves its answers to these interrogatories, mail to Opposer the original of such Document or Thing, or a legible copy or photograph of such Document or Thing, suitably labeled and marked to show to which Interrogatory each Document or Thing is being produced in lieu of identification.

(14) Where the identification of any individual Person is required by use of the word "Identify," such identification should be sufficient to identify the Person in a notice of taking the deposition of such Person, and should include without limitation the following information concerning such Person:

- (a) full name;
- (b) business address;
- (c) job title;
- (d) employer or professional affiliations; and
- (e) home address.

(15) Where the identification of any Person, other than an individual, is required by use of the word "Identify," such identification should be sufficient to identify the Person in a

notice of taking the deposition of such Person, and should include without limitation the following information concerning such Person:

- (a) the full name or title;
- (b) principal place of business;
- (c) nature or type of entity;
- (d) the state of incorporation or registration; and
- (e) the principal business conducted by such Person.

(16) If Applicant is aware that a Document or Thing (or a group of Documents or Things) once existed but has been destroyed, Applicant is requested to state when the Document or Thing (or group of Documents or Things) was destroyed, who destroyed it, why it was destroyed, and the circumstances under which it was destroyed.

(17) These Interrogatories shall be deemed continuous and Applicant shall be obligated to change, supplement and amend its answers hereto as prescribed by Rule 26(e) of the Federal Rules of Civil Procedure.

(18) The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to bring within the interrogatories all information which might otherwise be construed as outside their scope.

(19) The singular shall include the plural and the present tense shall include the past tense and vice versa in order to bring within the scope of the interrogatory all information which might otherwise be construed to be outside its scope.

(20) If Applicant objects to any of the interrogatories below based on a claim of privilege or a claim that such interrogatories require the disclosure of attorney work product,

state the nature of the privilege claimed and the nature of the information over which privilege is claimed.

### **INTERROGATORIES**

Interrogatory No. 1: Describe the nature of Applicant's business and operations.

Answer:

Interrogatory No. 2 : Specify when and the circumstances under which Applicant first became aware of Opposer, Opposer's mark, and Opposer's partypoker.com website, and identify all persons having knowledge of such facts.

Answer:

Interrogatory No. 3: Describe in detail Applicant's current or past affiliation with, or connection to "Party Star Poker," the entity that was identified as the owner of the copyrighted material on the partystarpoker.com web site.

Answer:

Interrogatory No. 4: Identify each Person having knowledge about the clearance, selection and adoption of Applicant's mark.

Answer:

Interrogatory No. 5: Describe with specificity how Applicant created the PARTY STAR POKER mark and why PARTY STAR POKER was the brand name chosen as the trademark for Applicant's goods and services.

Answer:

Interrogatory No. 6: Identify all Persons having knowledge about advertising, promotion and use of Applicant's mark in the United States.

Answer:

Interrogatory No. 7: Identify and describe any and all opinions, searches or investigations relating to Opposer, Opposer's mark or Applicant's mark.

Answer:

Interrogatory No. 8: Describe the circumstances under which Applicant first became aware of Opposer's use of Opposer's mark and identify all persons involved.

Answer:

Interrogatory No. 9: Identify and describe each and every good or service in connection with which Applicant has used, or intends to use, Applicant's mark and state the period(s) of time during which the PARTY STAR POKER mark was or is used for each such good or service.

Answer:

Interrogatory No. 10: Specify the date of first use in commerce in the United States of Applicant's mark in connection with each good or service to be identified in response to Interrogatory No. 9, the manner of such use or intended use, the geographic territory in which

such use has occurred or is intended to occur, and the types or classes of customers who were exposed to such use, and identify all Documents referring or relating to such first use.

Answer:

Interrogatory No. 11: Describe in detail the intended and actual consumers of the goods and services offered under Applicant's mark.

Answer:

Interrogatory No. 12: Describe any periods since Applicant's alleged date of first use (as set forth in Paragraph 6) during which Applicant did not make use of Applicant's mark.

Answer:

Interrogatory No. 13: Identify the web site and domain name address from which Applicant's specimen of use, filed in support of use of Applicant's mark in Trademark App. Serial No. 85/571885, was taken.

Answer:

Interrogatory No. 14: Explain in detail why the website partystarpoker.com is currently "under construction" and/or otherwise not available.

Answer:

Interrogatory No. 15: Identify all Internet websites and/or brick and mortar establishments that offer PARTY STAR POKER goods and services.



Answer:

Interrogatory No. 16: Specify the channels of trade, type of media, and/or methods of distribution currently used or intended to be used by Applicant for marketing, promoting and selling Applicant's goods or services on or in connection with Applicant's mark.

Answer:

Interrogatory No. 17: State Applicant's yearly expenditures to date with respect to the advertising and promotion of Applicant's mark in conjunction with each good or service since sales first began under Applicant's mark.

Answer:

Interrogatory No. 18: Identify all states in the United States in which Applicant's goods or services are or will be provided on or in connection with Applicant's mark.

Answer:

Interrogatory No. 19: Specify the approximate gross revenue including, but not limited to, projected revenue generated by sales of Applicant's goods or services under Applicant's mark for each year since such sales began to the present.

Answer:

Interrogatory No. 20: Identify all instances in which any person has been or claimed to be confused, mistaken, or deceived as to the relationship between Applicant and any other entity, or as to the products or services of Applicant and any other entity.

Answer:

Interrogatory No. 21: Identify all trade shows at which Applicant has attended or promoted its goods and services under Applicant's mark, and all trade shows it plans to attend in the future to promote Applicant's mark.

Answer:

Interrogatory No. 22: Identify each person that Applicant expects to call as a witness in this proceeding, and state the subject matter on which such witness is expected to testify.

Answer:

Interrogatory No. 23: Identify with specificity any other circumstances in which Applicant's mark has been used in the marketplace as a trademark, outside of partystarpoker.com.

Answer:

Interrogatory No. 24: Specify whether Applicant intends to expand the goods/services offered under Applicant's mark to other goods or services, other channels of trade, or other geographic territories, and identify all documents relating or referring to such expansion.

Answer:

Interrogatory No. 25: Identity all licensees of Applicant's mark, and in doing so, describe the terms of the licensing arrangement and identify each product or service offered by the licensee under each arrangement.

Answer:

Interrogatory No. 26: Describe in detail any challenges by third parties that have been made regarding Applicant's mark, including any challenges made through an adversarial proceeding or by the issuance of a cease and desist letter.

Answer:

Interrogatory No. 27: Identify and describe all documents Applicant expects to use, introduce and/or rely upon during this opposition proceeding.

Answer:

Interrogatory 28: Specify why Applicant took down the web site partystarpoker.com and identify all Persons with knowledge of the same.

Answer:

Interrogatory 29: Describe in detail Applicant's current plans to resume use of the PARTY STAR POKER mark in U.S. commerce.

Answer:

Interrogatory 30: Identify each law suit, dispute, trademark opposition, trademark cancellation action, cease & desist matter, criminal investigation, and domain name dispute that Applicant or Applicant's mark was involved, and with respect to each, identify the parties involved, the subject matter involved, the date it took place, and the outcome.

Answer:

PARTYGAMING IA LIMITED

By its attorneys,

Date: 6-13-13

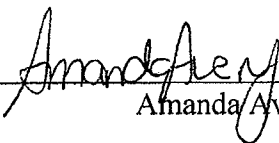


Scott W. Johnston  
Danielle I. Mattessich  
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Minneapolis, Minnesota 55402-2215  
Telephone: (612) 332-5300  
sjohnston@merchantgould.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing OPPOSER'S FIRST SET OF INTERROGATORIES was served upon the following attorney of record for Applicant by email and First Class Mail, postage pre-paid, this 13<sup>th</sup> day of June, 2013:

Matthew H. Swyers  
The Trademark Company  
344 Maple Avenue West, Suite 151  
Vienna, VA 22180-5612.  
mswyers@thetrademarkcompany.com

  
Amanda Avery

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

Serial No. 85/571,885,  
For the mark: PARTY STAR POKER,

Party Gaming IA Limited,

Opposer,

vs.

Yessina Soffin,

Applicant.

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Opposition No. 91207899

**APPLICANT'S RESPONSES TO OPPOSER'S FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS AND THINGS**

COMES NOW the Applicant, Yessina Soffin (hereinafter "Applicant"), and provides the instant Answers and Objections to Opposer Party Gaming IA Limited's First Set of Document Requests providing as follows:

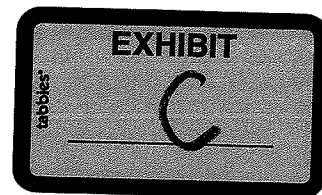
**DOCUMENT REQUESTS**

1. All documents and things referring or relating to the dates of first use and first use in commerce in the United States by Applicant of Applicant's mark on or in connection with Applicant's services.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, see attached.

2. All documents relating to Applicant's creation, consideration, design, development, selection, adoption, availability, and registration or attempts to register, both in the United States and abroad, of Applicant's mark.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, see attached.



3. All documents relating to any market studies, surveys, focus groups, or other studies, which relate to the use or advice against use of Applicant's mark for Applicant's services.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, none.

4. All documents relating to Applicant's decision to offer for sale services under Applicant's mark.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, none.

5. Representative samples of Documents and Things referring or relating to the dates of the most recent use in commerce in the United States by Applicant of Applicant's mark in connection with Applicant's services.

**Response:** Applicant objects to the instant request as to the overly broad nature. Subject to said objection, see attached.

6. All documents which disclose the length of time during which Applicant has offered goods or services under Applicant's mark in the U.S.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, see attached.

7. All Documents and Things referring or relating to instances in which a person has been confused, deceived, or mistaken about the source of (a) Opposer's mark, believing it to be Applicant's mark, or (b) Applicant's mark, believing it to be Opposer's mark, or (c) Opposer's mark or Applicant's mark, believing that Opposer and Applicant were a single entity or related entities.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, none.

8. All Documents and Things ever sent or received by Applicant regarding any allegations by Applicant that others have infringed Applicant's mark, or regarding any allegations by another Person that Applicant has infringed another Person's mark by Applicant's use of Applicant's mark.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, see attached.

9. All Documents and Things referring or relating to inter party state or federal Trademark Office proceedings, or inter party state or federal court proceedings, in which Applicant or Applicant's mark was or is involved.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, see attached.

10. All Documents and Things referring or relating to polls, studies, surveys or investigations conducted by or for Applicant relating to Applicant's mark, Opposer, Opposer's mark or Opposer's goods and services.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, none.

11. All Documents and Things, including statements to Applicant's customers, referring or relating to Applicant's services under Applicant's mark.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, none.



12. Representative samples of different advertisements, press releases, catalogs, brochures, point of purchase materials, web pages, training manuals, instruction manuals, or other advertising means or media in which Applicant's mark has been used, is used, or will be used by Applicant.

**Response:** Applicant objects to the instant request as to the overly broad and burdensome.

Subject to said objection, see attached.

13. All correspondence with any advertising or sales agent relating in any way to Applicant's mark, Opposer or Opposer's mark.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all correspondence". Subject to said objection, none.

14. Documents from which Opposer can determine the amount of money that Applicant has expended or intends to expend on advertising Applicant's mark in the United States since Applicant first used Applicant's mark.

**Response:** Applicant objects to the instant request as to the overly broad and burdensome.

Subject to said objection, none.

15. All documents evidencing Applicant's current or planned use of Applicant's mark.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, none.

16. Each and every contract, agreement, or other understanding, written and oral, between Applicant and any other entity concerning use of Applicant's mark or variations thereof, including, but not limited to, all license, franchise, and license agreements with any other person or entity.

**Response:** Applicant objects to the instant request as to the overly broad nature. Subject to said objection, none.

17. All documents related to any instances in which a third party has objected to the use or intended use and/or registration of Applicant's mark by Applicant.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, none.

18. All documents, which relate to the circumstances under which Applicant first became aware of Opposer's mark.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, none.

19. All communications between Applicant (or one of her franchisees or licensees) and any other person which refer to Opposer, Opposer's mark, and/or Opposer's goods and services.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all communications". Subject to said objection, none.

20. Each and every search conducted by or on behalf of Applicant regarding use of Applicant's mark or other designations that include the terms PARTY and POKER, or derivations thereof.

**Response:** Applicant objects to the instant request as to the overly broad and burdensome. Subject to said objection, see attached.

21. All Documents referring or relating to applications to register Applicant's mark, or any registrations to Applicant's mark, in the United States.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, see attached.

22. All Documents referring or relating to applications to register any mark that includes the term "PARTY," or any applications/registrations that include the term "PARTY."

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, see attached Applicant's Application Serial No. 85/571,885.

23. All documents which disclose the territorial areas where Applicant offers services or plans to offer services under Applicant's mark and the length of time during which each of such goods have been offered in each territory.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, none.

24. All documents which disclose the channels of trade through which Applicant offers or intends to offer services under Applicant's mark.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, see attached.

25. All documents, which disclose representative customers who have purchased Applicant's services offered under Applicant's mark including, but not limited to, reports regarding customer demographics.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, see attached.

26. All documents which relate to Applicant's past, present or future marketing plans or strategies for goods or services offered under Applicant's mark, including but not limited to, dollar amount expenditures, target markets, channels of trade, and demographic studies.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, see attached.

27. All Documents and Things from which the price of Applicant's services provided in connection with Applicant's mark, and the volume of sales of such services to date, can be determined.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, none.

28. All documents or things prepared or considered by any experts employed by Applicant in connection with his or her formation of an opinion concerning the subject matter of this Opposition.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, none.

29. All Documents and Things identified in Applicant's Responses to Opposer's First Set of Interrogatories.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, none.

30. All Documents and Things which Applicant believes provide any support for each refusal to admit (or deny) in the accompanying Opposer's First Set of Requests for Admissions.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, see attached.

31. All Documents and Things which Applicant believes provide any support for each refusal to admit (or deny) in Applicant's Answer to Opposer's Notice of Opposition.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, see attached.

32. All Documents and Things related to any litigation, oppositions, cancellations, other trademark proceedings, civil litigations or criminal matters in which Applicant has been involved as a party or witness.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, see attached.

33. All Documents and Things showing use of Applicant's mark in connection with Applicant's services offered in brick and mortar establishments.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, none.

34. All Documents and Things referring or relating to Applicant's communications with its licensees and/or franchisee's regarding their use of Applicant's mark.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, none.

35. All Documents and Things referring or relating to any plans or considerations by Applicant of expanding the use of Applicant's mark in any way, including to other goods and services, through other channels of trade, through grocery stores or other retail or wholesale outlets.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms “all documents”. Subject to said objection, none.

36. All Documents and Things referring or relating to any rejections or complaints issued by a gaming commission with respect to Applicant's services that bear the designation "PARTY STAR POKER."

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, none.

37. All Documents and Things referring or relating to any variations of logos for Applicant's services, in the past, present, and future, that bear the designation "PARTY STAR POKER."

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, none.

38. Copies of complete federal and state tax filings for Applicant for the past five years.

**Response:** Applicant objects to the instant request on the grounds that it is overly broad and burdensome.

39. All Documents and Things referring or relating to any communications between Applicant and Opposer.

**Response:** Applicant objects to the instant request as to the overly broad nature of the terms "all documents". Subject to said objection, none.

Respectfully submitted this 14<sup>th</sup> day of March, 2014.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

344 Maple Avenue West, PMB 151

Vienna, VA 22180

Tel. (800) 906-8626 x100

Facsimile (270) 477-4574

mswyers@TheTrademarkCompany.com

Counsel for Applicant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

Serial No. 85/571,885,  
For the mark: PARTY STAR POKER,

Party Gaming IA Limited,

Opposer,

vs.

Yessina Soffin,

Applicant.

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Opposition No. 91207899

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of the foregoing this 14th day of March, 2014, to be served, via first class mail, postage prepaid, upon:

Scott W. Johnston  
Merchant & Gould, P.C.  
80 South Eighth Street, Suite 3200  
Minneapolis, MN 55402

/Matthew H. Swyers/  
Matthew H. Swyers



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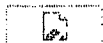
Click the 'Create an account' button at the login screen fill in your details.



Start playing to win

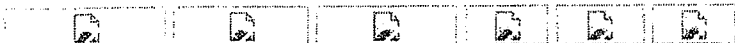
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Click the 'Create an account' button at the login screen fill in your details.



Start playing to win

Choose a favourite kind of poker, the sizes of stacks and join a like table.

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You don't have permission to access / on this server.

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*Apache Server at www.partystarpoker.com Port 80*

000004

# Forbidden

You don't have permission to access / on this server.

---

*Apache Server at www.partystarpoker.com Port 80*

000005

3/6/2014

This Website is under Construction

INTERNET ARCHIVE  
Wayback Machine

http://partystarpoker.com/

Go

MAY JUN JUL

◀ 18 ▶

9 captures  
31 Dec 08 - 18 Jun 13

2012 2013 20

This Website is under Construction

000006

[All Products](#)[Domains](#)[Websites](#)[Hosting & SSL](#)

NEW

[Get Found](#)[Email & Tools](#)[Support](#)

partystarpoker.com

[Search Again](#)**Good news, this domain is available**[Continue to Cart](#)

partystarpoker  
**.com**

On Sale

~~\$14.99\*~~ **\$12.99\*** [+ Select](#)

Let U.S. shoppers know that you are local. Add this:

**partystarpoker.us** - \$3.99Get all three and **Save 66%**~~\$49.97\*~~ **\$17.00\***[+ Select](#)

partystarpoker.net  
partystarpoker.info  
partystarpoker.org

**Protect your name. Buy similar domains and get peace of mind:**[Continue to Cart](#)**Filter By**1 - 10 of 118 results [Show All](#)**Price**

Enter a maximum price

[Apply](#)[Clear](#)

partystarpoker  
**.co**

On Sale

~~\$29.99~~ **\$12.99** [+ Select](#)**Characters Length**[No Max](#)

partystarpoker  
**.net**

On Sale

~~\$16.99\*~~ **\$9.99\*** [+ Select](#)**Extensions**<http://www.godaddy.com/domains/searchresults-new3.aspx?ci=54814>

000007



.com  
.co  
.info  
.org  
.net  
.me

Clear

Country/Location

Premium

partystarpoker  
.org

On Sale

~~\$17.99\*~~ **\$8.99\*** [+ Select](#)

weddingstarcasino  
.com

On Sale

~~\$14.99\*~~ **\$12.99\*** [+ Select](#)

adeptpress  
.com Premium

[Learn More](#)Renewal price **\$14.99\***

First year price **\$788.00** [+ Select](#)

partystarpoker  
.info

On Sale

~~\$14.99\*~~ **\$2.99\*** [+ Select](#)

partystarpoker  
.us

On Sale

~~\$19.99~~ **\$3.99** [+ Select](#)

partystarpoker  
.ca

**\$12.99** [+ Select](#)

groupstarcasino  
.com

On Sale

~~\$14.99\*~~ **\$12.99\*** [+ Select](#)

adeptinteriors  
.com Premium

[Learn More](#)Renewal price **\$14.99\***

First year price **\$688.00** [+ Select](#)

1 - 10 of 118 results [Show All](#)[Continue to Cart](#)[Show more results](#)



[www.PartyStarPoker.com](http://www.PartyStarPoker.com)

LET'S  
PLAY  
HARD!



000009



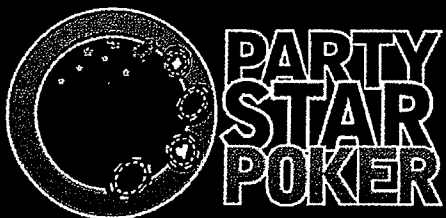


[www.PartyStarPoker.com](http://www.PartyStarPoker.com)



[www.PartyStarPoker.com](http://www.PartyStarPoker.com)

THE BEST 3D  
POKER  
AND  
CASINO  
GAMES!



[www.PartyStarPoker.com](http://www.PartyStarPoker.com)

THE BEST 3D  
POKER  
AND  
CASINO  
GAMES!

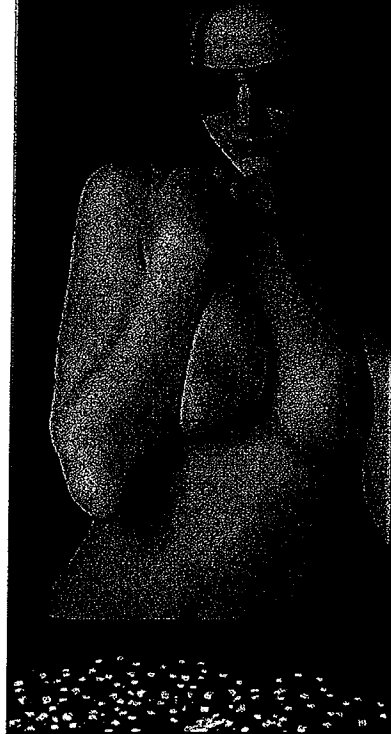


000010

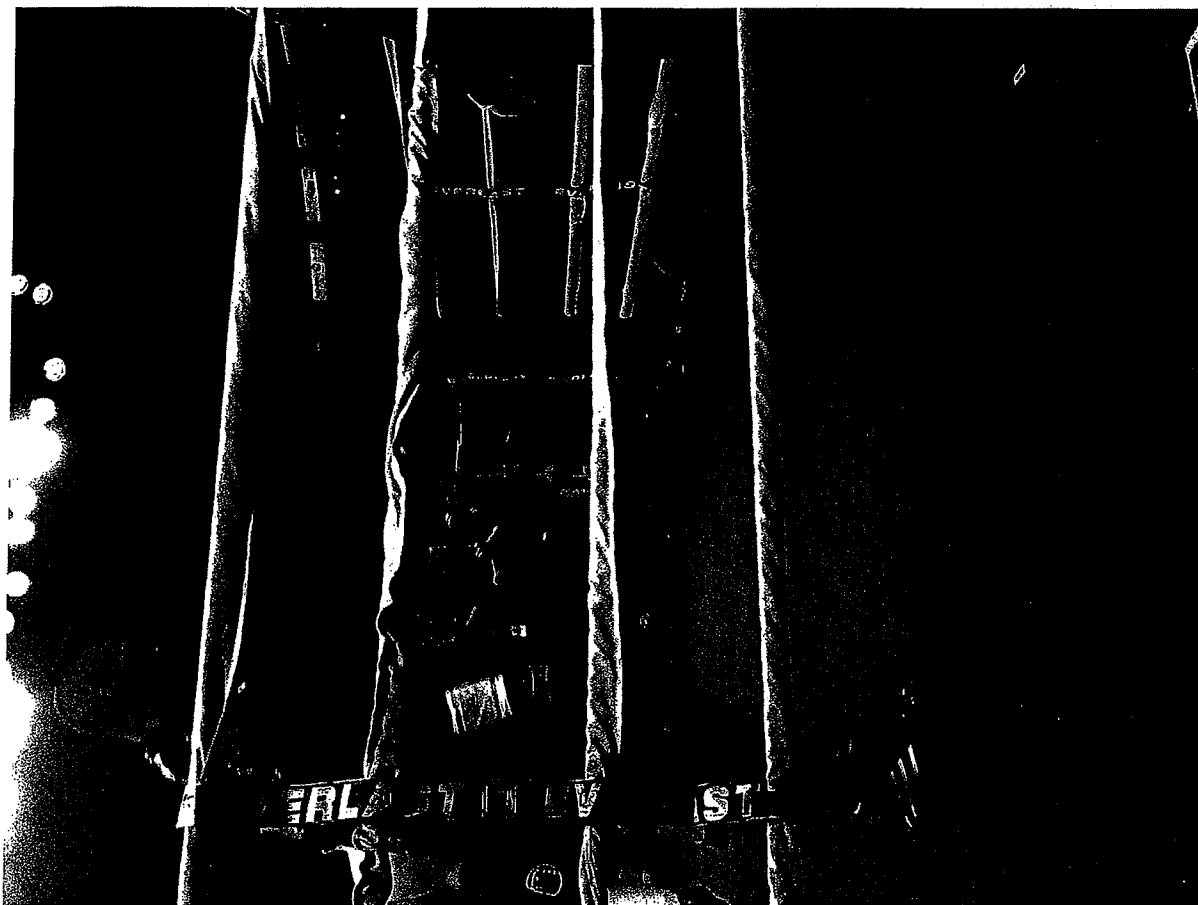


[www.PartyStarPoker.com](http://www.PartyStarPoker.com)

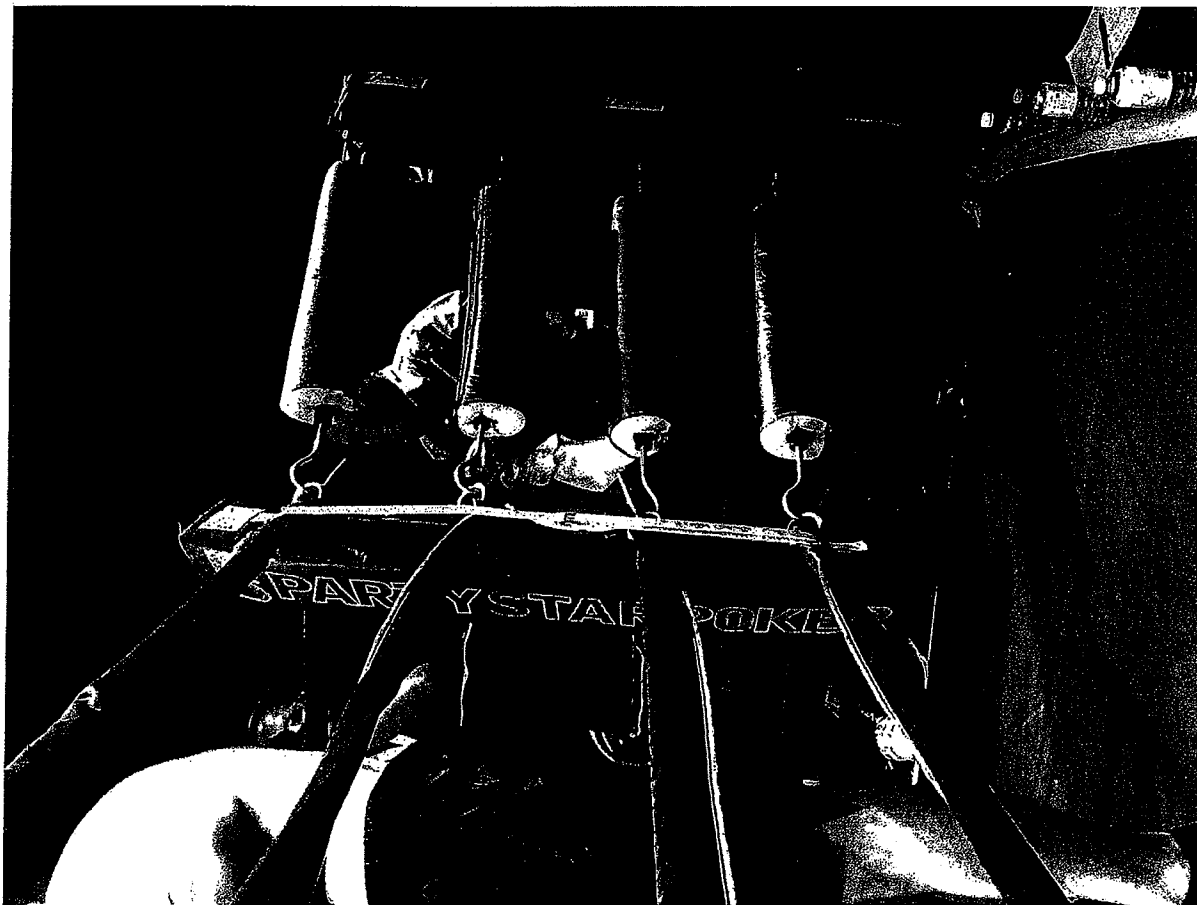
JOIN THE  
FUN!!!



000011



000012



000013

ESTTA Tracking number: **ESTTA504267**

Filing date: **11/07/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	PartyGaming IA Limited
Granted to Date of previous extension	11/21/2012
Address	Clarendon House, 2 Church Street Hamilton, HM11 BERMUDA
Attorney information	Scott W. Johnston Merchant & Gould P.C. P.O. Box 2910 Minneapolis, MN 55402-0910 UNITED STATES SJohnston@merchantgould.com, slindemeier@merchantgould.com Phone:612-332-5300

**Applicant Information**

Application No	85571885	Publication date	07/24/2012
Opposition Filing Date	11/07/2012	Opposition Period Ends	11/21/2012
Applicant	Soffin, Yessenia 11688 Old Pumpphouse Road Boca Raton, FL 33498 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. First Use: 2011/10/00 First Use In Commerce: 2011/10/00 All goods and services in the class are opposed, namely: Gambling services; Providing a web-based system and on-line portal for customers to participate in on-line gaming, operation and coordination of game tournaments, leagues and tours
---

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2986410	Application Date	12/10/2003
Registration Date	08/16/2005	Foreign Priority Date	NONE
Word Mark	PARTYPOKER		

000014

Design Mark	<b>PARTYPOKER</b>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2001/07/01 First Use In Commerce: 2001/07/01 Computer game software distributed via the Internet; and Electronic newsletters distributed via the Internet and electronic mail</p> <p>Class 041. First use: First Use: 2001/07/01 First Use In Commerce: 2001/07/01 Arranging, organizing and conducting entertainment services in the form of online contests and games of chance</p> <p>Class 042. First use: First Use: 2001/07/01 First Use In Commerce: 2001/07/01 [ Providing affiliate website services for others via the Internet ]</p>

Attachments	<p>78338873#TMSN.jpeg ( 1 page )( bytes )</p> <p>2012 11 07 Notice of Opposition 85571885.PDF ( 13 pages )(413236 bytes )</p>
-------------	---

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/SWJ/
Name	Scott W. Johnston
Date	11/07/2012

000015



PartyGaming IA Limited,	)	Opposition No. _____
	)	
Opposer,	)	Mark: PARTY STAR POKER
	)	
v.	)	Serial No.: 85/571,885
	)	
Yessenia Soffin,	)	Filing Date: March 16, 2012
	)	
Applicant.	)	Published: July 24, 2012
	)	

PartyGaming IA Limited (hereinafter "Opposer"), a Bermuda corporation with an address at Clarendon House, 2 Church Street, Hamilton HM11, Bermuda, believes that it will be damaged by registration of the mark PARTY STAR POKER shown in Application Serial No. 85/571,885 filed by Yessenia Soffin (hereinafter "Applicant") on March 16, 2012 and hereby opposes the same. The grounds for opposition are as follows:

2. Applicant's mark was published for opposition on July 24, 2012. Opposer filed and the Board approved an extension of time to oppose Applicant's mark until November 21, 2012. This Notice of Opposition is timely filed.

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PARTYPOKER and PARTYPOKER & Design (shown below) to the bwin.party group, which owns and operates the website [www.partypoker.net](http://www.partypoker.net), through which it offers online gaming services. The bwin.party group (and its predecessors in title) has used the trademarks PARTYPOKER and PARTYPOKER & Design, which are hereafter collectively referred to as Opposer's "PARTYPOKER Marks," in connection with its online gaming services since at least as early as 2001. (For the purposes of this Notice of Opposition, references to the use of the trademarks by Opposer shall refer to such use by the bwin.party group and its predecessors in title under license by Opposer.)



4. Opposer owns U.S. Registration No. 2,986,410 for its PARTYPOKER & Design mark for "computer game software distributed via the internet; and electronic newsletters distributed via the internet and electronic mail" in Class 9 and "arranging, organizing and conducting entertainment services in the form of online contests and games of chance" in Class 41. A printout of the current status and title of this registration from the USPTO's Trademark Status & Document Retrieval (TSDR) database is attached as Exhibit A.

5. Opposer's U.S. Registration No. 2,986,410 is incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065. Consequently, this registration is conclusive evidence of the validity of the registered mark and of the registration of the mark, of Opposer's ownership of the mark and of Opposer's exclusive right to use the registered mark in commerce under Section 33 of the Lanham Act, 15 U.S.C. § 1115.

6. Opposer has advertised and promoted its PARTYPOKER Marks continuously and extensively and made substantial use of goods and services under the marks. As a result,

Opposer's PARTYPOKER Marks have developed and represent valuable goodwill inuring to the benefit of Opposer.

7. There is no issue of priority concerning Applicant's PARTY STAR POKER mark since Opposer used its PARTYPOKER Marks and registered its PARTYPOKER & Design mark long before Applicant filed its PARTY STAR POKER application or started using the mark. Opposer started using its PARTYPOKER Marks at least as early as July 1, 2001, more than ten (10) years before Applicant filed its PARTY STAR POKER application on March 16, 2012, and nearly nine (9) years before the alleged June 1, 2010 dates of first use and first use in commerce cited therein. Opposer therefore has priority over Applicant with respect to the marks at issue.

8. Upon information and belief, Applicant had knowledge of Opposer's PARTYPOKER Marks before it adopted its PARTY STAR POKER mark.

9. Applicant's PARTY STAR POKER mark is confusingly similar to Opposer's PARTYPOKER Marks in sight, sound and commercial impression.

10. Applicant's alleged services are closely related, if not identical, to the goods and services marketed and supplied by Opposer under its PARTYPOKER Marks.

11. Upon information and belief, Opposer's goods and services and Applicant's services are supplied and marketed in the same channels of trade to the same consumers or class of consumers.

12. Based on the similarities between the parties' marks and the closely related nature of the parties' goods and services, consumers and potential consumers are likely to believe that Applicant's services originate from Opposer or are otherwise endorsed, sponsored or approved by Opposer, resulting in a likelihood of confusion in the marketplace and damage to Opposer.

13. Registration of the mark shown in Application Serial No. 85/571,885 will result in damage to Opposer under the provisions of Section 2 of the U.S. Trademark Act, 15 U.S.C. Section 1052, pursuant to the allegations stated above.

WHEREFORE, Opposer requests that this opposition be sustained and the registration sought by Applicant be refused.

Please direct all correspondence to:

Scott W. Johnston  
MERCHANT & GOULD P.C.  
P.O. Box 2910  
Minneapolis, MN 55402-0910

Opposer herein appoints John A. Clifford, Reg. No. 30,247; Gregory C. Golla; Andrew S. Ehard; Scott W. Johnston, Reg. No. 39,721; Heather J. Kliebenstein; Laura M. Konkel; Danielle I. Mattessich; Christopher J. Schulte; William D. Schultz, and all other attorneys of the firm of Merchant & Gould P.C., its attorneys to transact all business in the U.S. Patent and Trademark Office relating to this matter with full power of substitution.

Respectfully submitted,

PARTYGAMING IA LIMITED

By its Attorneys,



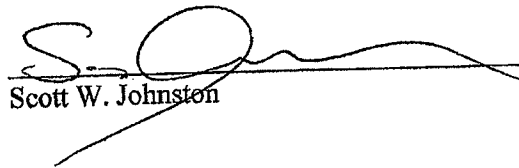
Scott W. Johnston  
MERCHANT & GOULD P.C.  
80 South Eighth Street, Suite 3200  
Minneapolis, Minnesota 55402-2215  
(612) 332-5300

Date: 11-7-12

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Opposition was served upon Applicant's attorney of record by First Class Mail, postage prepaid, this 7th day of November, 2012:

Matthew H. Swyers  
The Trademark Company  
344 Maple Ave W., Ste. 151  
Vienna, VA 22180-5612

  
Scott W. Johnston

**EXHIBIT A**

000021

**Generated on:** This page was generated by TSDR on 2012-11-07 15:18:29 EST

**Mark:** PARTYPOKER

**PARTYPOKER**

<b>US Serial Number:</b>	78338873	<b>Application Filing Date:</b>	Dec. 10, 2003
<b>US Registration Number:</b>	2986410	<b>Registration Date:</b>	Aug. 16, 2005
<b>Register:</b>	Principal		
<b>Mark Type:</b>	Trademark, Service Mark		
<b>Status:</b>	A partial Sections 8 and 15 combined declaration has been accepted and acknowledged.		
<b>Status Date:</b>	Sep. 09, 2011		
<b>Publication Date:</b>	Feb. 22, 2005	<b>Notice of Allowance Date:</b>	May 17, 2005

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### Mark Information

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<b>Mark Literal Elements:</b>	PARTYPOKER
<b>Standard Character Claim:</b>	No
<b>Mark Drawing Type:</b>	3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
<b>Design Search Code(s):</b>	24.17.03 - Dollar symbol (\$) 26.01.02 - Circles, plain single line; Plain single line circles 26.01.20 - Circles within a circle 26.01.21 - Circles that are totally or partially shaded. 27.03.01 - Geometric figures forming letters, numerals or punctuation

---

### Goods and Services

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**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

000022

**For:** Computer game software distributed via the Internet; and Electronic newsletters distributed via the Internet and electronic mail

**International Class:** 009 - Primary Class      **U.S Class:** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 01, 2001      **Use in Commerce:** Jul. 01, 2001

---

**For:** Arranging, organizing and conducting entertainment services in the form of online contests and games of chance

**International Class:** 041 - Primary Class      **U.S Class:** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 01, 2001      **Use in Commerce:** Jul. 01, 2001

---

**For:** [ Providing affiliate website services for others via the Internet ]

**International Class:** 042 - Primary Class      **U.S Class:** 100, 101

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 1(a)

**First Use:** Jul. 01, 2001      **Use in Commerce:** Jul. 01, 2001

---

#### **Basis Information (Case Level)**

---

<b>Filed Use:</b>	No	<b>Currently Use:</b>	Yes	<b>Amended Use:</b>	No
<b>Filed ITU:</b>	Yes	<b>Currently ITU:</b>	No	<b>Amended ITU:</b>	No
<b>Filed 44D:</b>	No	<b>Currently 44D:</b>	No	<b>Amended 44D:</b>	No
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	No	<b>Amended 44E:</b>	No
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No		
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No		

---

000023



### Current Owner(s) Information

**Owner Name:** PARTYGAMING IA LIMITED  
**Owner Address:** CLARENDON HOUSE, 2 CHURCH STREET  
HAMILTON HM11  
BERMUDA  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** BERMUDA

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Joseph Welch  
**Docket Number:** 02102-00001

#### Correspondent

**Correspondent Name/Address:** Joseph Welch  
Pattishall, McAuliffe, Newbury, Hilliard & Geraldts  
311 S. Wacker Drive - Suite 5000  
CHICAGO, ILLINOIS 60606-6631  
UNITED STATES

**Phone:** 312 554 8000  
**Fax:** 312 554 8015

#### Domestic Representative

**Domestic Representative Name:** Joseph Welch  
**Phone:** 312 554 8000  
**Fax:** 312 554 8015

### Prosecution History

Date	Description	Proceeding Number
Sep. 09, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Sep. 09, 2011	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Aug. 01, 2011	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	77315
Sep. 08, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Aug. 01, 2011	TEAS SECTION 8 & 15 RECEIVED	
Dec. 27, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	

000024

Dec. 20, 2006	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 07, 2006	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 07, 2006	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 16, 2005	REGISTERED-PRINCIPAL REGISTER	
Jun. 30, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	71441
Jun. 30, 2005	ASSIGNED TO LIE	71441
Jun. 24, 2005	ASSIGNED TO LIE	73797
Jun. 21, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 16, 2005	STATEMENT OF USE PROCESSING COMPLETE	73797
Jun. 01, 2005	USE AMENDMENT FILED	73797
Jun. 01, 2005	TEAS STATEMENT OF USE RECEIVED	
May 17, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 22, 2005	PUBLISHED FOR OPPOSITION	
Feb. 02, 2005	NOTICE OF PUBLICATION	
Dec. 17, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	66230
Dec. 14, 2004	ASSIGNED TO LIE	66230
Dec. 09, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 26, 2004	AMENDMENT FROM APPLICANT ENTERED	78288
Oct. 08, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	78288
Oct. 08, 2004	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 30, 2004	NON-FINAL ACTION MAILED	
Jun. 28, 2004	ASSIGNED TO EXAMINER	68788
Jan. 16, 2004	PAPER RECEIVED	
Jan. 05, 2004	NEW APPLICATION ENTERED IN TRAM	

---

**Maintenance Filings or Post Registration Information**

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**Affidavit of Continued Use:** Section 8 - Accepted in Part

**Affidavit of Incontestability:** Section 15 - Accepted

**Change in** Yes

000025

Registration:

---

### TM Staff and Location Information

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TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Sep. 09, 2011

---

### Assignment Abstract of Title Information

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#### Summary

Total  
Assignments:

3

Registrant: WPC Productions, Inc.

Assignment 1 of 3

Conveyance: CHANGE OF NAME

Reel/Frame: 3061/0111

Pages: 4

Date Recorded: Apr. 06, 2005

Supporting  
Documents: assignment-tm-3061-0111.pdf

#### Assignor

Name: WPC PRODUCTIONS, INC. Execution Date: Nov. 11, 2004

Legal Entity Type: CORPORATION

State or Country  
Where  
Organized: VIRGIN ISLANDS,  
BRITISH

#### Assignee

Name: WPC PRODUCTIONS LIMITED

Legal Entity Type: CORPORATION

State or Country  
Where  
Organized: GIBRALTAR

Address: IMOSI HOUSE #3A  
1/5 IRISH TOWN, GIBRALTAR

#### Correspondent

Correspondent  
Name: MARK V. B. PARTRIDGE

Correspondent  
Address: 311 S. WACKER DRIVE, SUITE 5000  
CHICAGO, IL 60606

Domestic Representative - Not Found

000026

Assignment 2 of 3

---

Conveyance: NUNC PRO TUNC ASSIGNMENT EFFECTIVE 08162005

Reel/Frame: 3447/0360

Pages: 3

Date Recorded: Dec. 19, 2006

Supporting Documents: assignment-tm-3447-0360.pdf

**Assignor**

Name: WPC PRODUCTIONS  
LIMITED

Execution Date: Dec. 11, 2006

Legal Entity Type: CORPORATION

State or Country  
Where  
Organized: GIBALTAR

**Assignee**

Name: ELECTRAWORKS LIMITED

Legal Entity Type: CORPORATION

State or Country  
Where  
Organized: GIBALTAR

Address: 711 EUROPORT  
GIBALTAR, GIBALTAR

**Correspondent**

Correspondent Name: MARK V. B. PARTRIDGE

Correspondent Address: 311 S. WACKER DRIVE, SUITE 5000  
CHICAGO, IL 60606

**Domestic Representative**

Domestic Representative Name: MARK V. B. PARTRIDGE

Domestic Representative Address: 311 S. WACKER DRIVE, SUITE 5000  
CHICAGO, IL 60606

Assignment 3 of 3

---

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3450/0223

Pages: 4

Date Recorded: Dec. 22, 2006

Supporting Documents: assignment-tm-3450-0223.pdf

000027

**Assignor**

**Name:** ELECTRAWORKS LIMITED **Execution Date:** Dec. 11, 2006  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** GIBRALTAR

**Assignee**

**Name:** PARTYGAMING IA LIMITED  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** BERMUDA

**Address:** CLARENDON HOUSE, 2 CHURCH STREET  
HAMILTON HM11, BERMUDA

**Correspondent**

**Correspondent Name:** MARK V. B. PARTRIDGE  
**Correspondent Address:** 311 S. WACKER DRIVE, SUITE 5000  
CHICAGO, IL 60606

**Domestic Representative**

**Domestic Representative Name:** MARK V. B. PARTRIDGE  
**Domestic Representative Address:** 311 S. WACKER DRIVE, SUITE 5000  
CHICAGO, IL 60606

000028

Respectfully submitted this 14<sup>th</sup> day of March, 2014.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

344 Maple Avenue West, PMB 151

Vienna, VA 22180

Tel. (800) 906-8626 x100

Facsimile (270) 477-4574

mswyers@TheTrademarkCompany.com

Counsel for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board

Serial No. 85/571,885,  
For the mark: PARTY STAR POKER,

Party Gaming IA Limited,

Opposer,

vs.

Yessina Soffin,

Applicant.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 14th day of March, 2014, to be

served, via first class mail, postage prepaid, upon:

Scott W. Johnston  
Merchant & Gould, P.C.  
80 South Eighth Street, Suite 3200  
Minneapolis, MN 55402

/Matthew H. Swyers/  
Matthew H. Swyers

RECEIVED

MINNEAPOLIS, MN 55401  
CHRISTIANITY  
FUND  
MAR 20 1987



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

Serial No. 85/571,885,  
For the mark: PARTY STAR POKER,

Party Gaming IA Limited,

Opposer,

vs.

Yessina Soffin,

Applicant.

:  
:  
:  
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:  
:

Opposition No. 91207899

**APPLICANT'S ANSWERS AND OBJECTIONS TO  
OPPOSER'S FIRST SET OF INTERROGATORIES**

Comes now the Applicant, Yessina Soffin (hereinafter "Applicant"), and submits the following answers and objections to Opposer Party Gaming IA Limited's first set of interrogatories stating as follows:

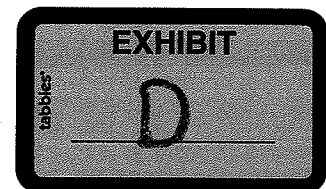
**INTERROGATORIES**

Interrogatory No. 1: Describe the nature of Applicant's business and operations.

**Answer:** Applicant has provided and intends to continue to provide in the future online gaming services related to poker.

Interrogatory No. 2: Specify when and the circumstances under which Applicant first became aware of Opposer, Opposer's mark, and Opposer's partypoker.com website, and identify all persons having knowledge of such facts.

**Answer:** Applicant first became aware of the Opposer in 2004. At that time, the Opposer was an advertiser in one of the Applicant's publications.



Interrogatory No. 3: Describe in detail Applicant's current or past affiliation with, or connection to "Party Star Poker," the entity that was identified as the owner of the copyrighted material on the partystarpoker.com web site.

**Answer:** Will Jordan has been the managing director of Party Star Poker since 2010 through the present.

Interrogatory No. 4: Identify each Person having knowledge about the clearance, selection and adoption of Applicant's mark.

**Answer:** Will Jordan, the managing director of Party Star Poker.

Interrogatory No. 5: Describe with specificity how Applicant created the PARTY STAR POKER mark and why PARTY STAR POKER was the brand name chosen as the trademark for Applicant's goods and services.

**Answer:** Applicant chose the business name and mark PARTY STAR POKER because these terms are engaging and fun. Applicant also chose the mark because the domain names: partystarpoker.com and partystarpoker.net were available.

Interrogatory No. 6: Identify all Persons having knowledge about advertising, promotion and use of Applicant's mark in the United States.

**Answer:** Will Jordan.

Interrogatory No. 7: Identify and describe any and all opinions, searches or investigations relating to Opposer, Opposer's mark or Applicant's mark.

**Answer:** Prior to filing a trademark application for Applicant's Mark, Applicant personally searched the USPTO database to check the availability of Applicant's Mark.

Interrogatory No. 8: Describe the circumstances under which Applicant first became aware of Opposer's use of Opposer's mark and identify all persons involved.

**Answer:** See above Applicant's Response to Interrogatory No. 2.

Interrogatory No. 9: Identify and describe each and every good or service in connection with which Applicant has used, or intends to use, Applicant's mark and state the period(s) of time during which the PARTY STAR POKER mark was or is used for each such good or service.

**Answer:** See above Applicant's Response to Interrogatory No. 1.

Interrogatory No. 10: Specify the date of first use in commerce in the United States of Applicant's mark in connection with each good or service to be identified in response to Interrogatory No. 9, the manner of such use or intended use, the geographic territory in which such use has occurred or is intended to occur, and the types or classes of customers who were exposed to such use, and identify all Documents referring or relating to such first use.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad. Subject to said objection, Applicant began use of Applicant's mark for Gambling services; Providing a web-based system and on-line portal for customers to participate in on-line gaming, operation and coordination of game tournaments, leagues and tours in October 2011. Applicant's Services have been offered on domain name partystarpoker.com. Consumers of Applicant's Services are adults who enjoy playing online poker.

Interrogatory No. 11: Describe in detail the intended and actual consumers of the goods and services offered under Applicant's mark.

**Answer:** Consumers of Applicant's Services are adults who enjoy playing online poker.

Interrogatory No. 12: Describe any periods since Applicant's alleged date of first use (as set forth in Paragraph 6) during which Applicant did not make use of Applicant's mark.

**Answer:** Applicant ceased use of its mark upon Opposer's initiation of the instant Opposition Proceeding on or about Nov. 7, 2012.

Interrogatory No. 13: Identify the web site and domain name address from which Applicant's specimen of use, filed in support of use of Applicant's mark in Trademark App. Serial No. 85/571885, was taken.

**Answer:** www.partystarpoker.com.

Interrogatory No. 14: Explain in detail why the website partystarpoker.com is currently "under construction" and/or otherwise not available.

**Answer:** Applicant was forced to shut down the website after his service provider received threatening emails from opposer.

Interrogatory No. 15: Identify all Internet websites and/or brick and mortar establishments that offer PARTY STAR POKER goods and services.

**Answer:** Applicant was forced to shut down the website after his service provider received threatening emails from opposer. Applicant has not offered its services at any brick and mortar establishment(s).

Interrogatory No. 16: Specify the channels of trade, type of media, and/or methods of distribution currently used or intended to be used by Applicant for marketing, promoting and selling Applicant's goods or services on or in connection with Applicant's mark.

**Answer:** Applicant's Services will be advertised and promoted through television advertisements, print ads and online.

Interrogatory No. 17: State Applicant's yearly expenditures to date with respect to the advertising and promotion of Applicant's mark in conjunction with each good or service since sales first began under Applicant's mark.

**Answer:** Applicant estimates its yearly advertising and promotional costs in connection with Applicant's Services to date to be nearly two million dollars (\$2,000,000).

Interrogatory No. 18: Identify all states in the United States in which Applicant's goods or services are or will be provided on or in connection with Applicant's mark.

**Answer:** All fifty (50) States.

Interrogatory No. 19: Specify the approximate gross revenue including, but not limited to, projected revenue generated by sales of Applicant's goods or services under Applicant's mark for each year since such sales began to the present.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad and burdensome.

Interrogatory No. 20: Identify all instances in which any person has been or claimed to be confused, mistaken, or deceived as to the relationship between Applicant and any other entity, or as to the products or services of Applicant and any other entity.

**Answer:** Applicant has not experienced any such instance.

Interrogatory No. 21: Identify all trade shows at which Applicant has attended or promoted its goods and services under Applicant's mark, and all trade shows it plans to attend in the future to promote Applicant's mark.

**Answer:** Applicant has not attended any tradeshow and does not have plans to attend any tradeshow in the future.

Interrogatory No. 22: Identify each person that Applicant expects to call as a witness in this proceeding, and state the subject matter on which such witness is expected to testify.

**Answer:** Will Jordan.

Interrogatory No. 23: Identify with specificity any other circumstances in which Applicant's mark has been used in the marketplace as a trademark, outside of partystarpoker.com.

**Answer:** Applicant is not aware of any such circumstances.

Interrogatory No. 24: Specify whether Applicant intends to expand the goods/services offered under Applicant's mark to other goods or services, other channels of trade, or other geographic territories, and identify all documents relating or referring to such expansion.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad and burdensome.

Interrogatory No. 25: Identify all licensees of Applicant's mark, and in doing so, describe the terms of the licensing arrangement and identify each product or service offered by the licensee under each arrangement.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad and burdensome.

Interrogatory No. 26: Describe in detail any challenges by third parties that have been made regarding Applicant's mark, including any challenges made through an adversarial proceeding or by the issuance of a cease and desist letter.

**Answer:** Applicant is not aware of any such challenges by third-parties that have been made regarding Applicant's Mark.

Interrogatory No. 27: Identify and describe all documents Applicant expects to use, introduce and/or rely upon during this opposition proceeding.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad and burdensome. Subject to said objection, see Applicant's Document Responses to Opposer's First Set of Request Production of Documents.

Interrogatory 28: Specify why Applicant took down the web site partystarpoker.com and identify all Persons with knowledge of the same.

**Answer:** Applicant was forced to shut down the website after his service provider received threatening emails from opposer.

Interrogatory 29: Describe in detail Applicant's current plans to resume use of the PARTY STAR POKER mark in U.S. commerce.

**Answer:** Applicant intends to resume use of its mark upon the conclusion of the instant opposition proceeding.

Interrogatory 30: Identify each law suit, dispute, trademark opposition, trademark cancellation action, cease & desist matter, criminal investigation, and domain name dispute that Applicant or Applicant's mark was involved, and with respect to each, identify the parties involved,

the subject matter involved, the date it took place, and the outcome.

**Answer:** Applicant has not been involved in any other legal proceeding concerning Applicant's Mark.

Respectfully submitted this 14<sup>th</sup> day of March, 2014.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

344 Maple Avenue West, PMB 151

Vienna, VA 22180

Tel. (800) 906-8626 x100

Facsimile (270) 477-4574

mswyers@TheTrademarkCompany.com

Counsel for Applicant



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

Serial No. 85/571,885,  
For the mark: PARTY STAR POKER,

Party Gaming IA Limited,

Opposer,

vs.

Yessina Soffin,

Applicant.

:  
:  
:  
:  
:  
:  
:  
:  
:

Opposition No. 91207899

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of the foregoing this 14<sup>th</sup> day of March, 2014,  
to be served, via first class mail, postage prepaid, upon:

Scott W. Johnston  
Merchant & Gould, P.C.  
80 South Eighth Street, Suite 3200  
Minneapolis, MN 55402

/Matthew H. Swyers/  
Matthew H. Swyers

RECEIVED

MINNEAPOLIS, MN 55402  
MERCANTILE & TRADING CO  
DEC 27 1967

## Scott W. Johnston

---

**From:** Danielle I. Mattessich <DMattessich@merchantgould.com>  
**Sent:** Friday, February 28, 2014 5:20 PM  
**To:** mswyers@thetrademarkcompany.com  
**Cc:** Scott W. Johnston; 13367.0017usta.active@ef.merchantgould.com  
**Subject:** RE: PartyGaming vs. Soffin - PARTY STAR POKER Opposition

Matthew,

In follow up to my email below, I forgot to mention that it is also our understanding that you would provide your client with a status report of the opposition today and inform her that our client has rejected her settlement offer.

Also, just to clarify – we are filing a Motion to Extend the Trial Dates (not a motion to suspend).

Sorry about any confusion.

Danielle I. Mattessich

---

**From:** Danielle I. Mattessich  
**Sent:** Friday, February 28, 2014 5:08 PM  
**To:** mswyers@thetrademarkcompany.com  
**Cc:** SJohnston@merchantgould.com; 13367.0017usta.active@ef.merchantgould.com  
**Subject:** PartyGaming vs. Soffin - PARTY STAR POKER Opposition

RE: PartyGaming vs. Soffin - PARTY STAR POKER Opposition

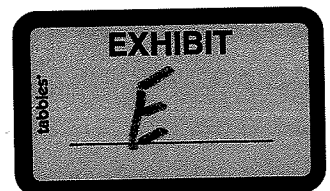
Hi Matthew,

Thank you for taking the time to discuss the PARTY STAR POKER opposition with Scott and I earlier today. As we discussed, the parties agreed to the following:

1. You will provide us your client's outstanding discovery responses (e.g., documents and answers to Interrogatories) and deposition dates for Yessina Soffin and William Soffin (both named in your initial disclosures) by March 14<sup>th</sup>.
2. The time frame for scheduling the depositions of Yessina Soffin and William Soffin will be April 15, 2014 – May 15, 2014. If your client's discovery responses reveal information wherein we feel that additional depositions are necessary, we will make reasonable efforts to take these additional depositions within the same time frame. If there are a number of depositions that we feel we need to take, then we may need to go beyond the May 15<sup>th</sup>.
3. We will file an additional 60-days suspension of the proceedings with the TTAB in order to give the parties additional time to complete Discovery.

If this is not your understanding of our discussion, please let us know as soon as possible.

Have a nice weekend!



**Danielle I. Mattessich**

Attorney at Law  
Merchant & Gould P.C.  
3200 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402-2215  
USA

**Telephone** (612) 336-4725

**Fax** (612) 332-9081

**Email** [dmattessich@merchantgould.com](mailto:dmattessich@merchantgould.com)

**www.merchantgould.com**

Assistant: Amanda Avery | [aavery@merchantgould.com](mailto:aavery@merchantgould.com) | (612) 336-4712

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## Scott W. Johnston

---

**From:** Danielle I. Mattessich <DMattessich@merchantgould.com>  
**Sent:** Friday, March 14, 2014 4:17 PM  
**To:** Valerie Kuhar  
**Cc:** 13367.0017usta.active@ef.merchantgould.com; Scott W. Johnston; Matt Linzbach  
**Subject:** RE: PartyGaming IA Limited vs. Soffin, Yessenia

Sorry Valerie - I meant to say that it does not appear we have received complete responses to our discovery requests. Additionally, we have not received deposition dates. Sorry for any confusion!

Danielle

-----Original Message-----

**From:** Danielle I. Mattessich  
**Sent:** Friday, March 14, 2014 4:13 PM  
**To:** 'Valerie Kuhar'  
**Cc:** 13367.0017usta.active@ef.merchantgould.com; SJohnston@merchantgould.com; Matt Linzbach  
**Subject:** RE: PartyGaming IA Limited vs. Soffin, Yessenia

Valerie,

We have not received any responses to our interrogatory requests or deposition dates. We will be filing a Motion to Compel on Monday if we do not receive this information. Thank you.

Danielle

-----Original Message-----

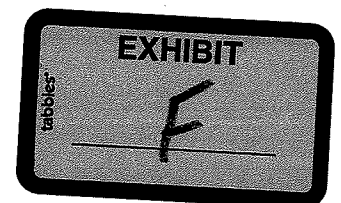
**From:** Valerie Kuhar [mailto:valeriek@thetrademarkcompany.com]  
**Sent:** Friday, March 14, 2014 4:01 PM  
**To:** Danielle I. Mattessich  
**Subject:** RE: PartyGaming IA Limited vs. Soffin, Yessenia

Danielle,

Attached please find courtesy copies of Applicant's Responses to Opposer's First Set of Requests for Production of Documents and Interrogatories. Of note, copies of the same have been served to you by U.S. mail today as well.

Best,

Valerie Kuhar  
Litigation Specialist  
The Trademark Company, PLLC  
2703 Jones Franklin Road, Suite 206  
Cary, NC 27518  
Phone (800) 906-8626, Ext. 108  
www.TheTrademarkCompany.com  
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Valerie

From: Valerie Kuhar [mailto:valeriek@thetrademarkcompany.com]  
Sent: Tuesday, February 25, 2014 12:12 PM  
To: 'Danielle I. Mattessich'  
Subject: RE: PartyGaming IA Limited vs. Soffin, Yessenia

Danielle,

The call is confirmed for 2-28 at 11:30 a.m. (EST). Matthew can be reached at 1-800-906-8626 Ext. 100. Thank you.

Best,

Valerie Kuhar  
Litigation Specialist  
The Trademark Company, PLLC  
2703 Jones Franklin Road, Suite 206  
Cary, NC 27518  
Phone (800) 906-8626, Ext. 108  
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HYPERLINK "<http://www.inc.com/author/matthew-swyers>"<https://secure.campaigner.com/accounts/media/31/319765/4d8a009316324b86a7b463e36320ee25.png?rand=8d397fb3135d4d1aad0fe7af59310a89> HYPERLINK

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HYPERLINK

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From: Danielle I. Mattessich [mailto:DMattessich@merchantgould.com]  
Sent: Tuesday, February 25, 2014 11:39 AM  
To: HYPERLINK  
"mailto:ValerieK@TheTrademarkCompany.com"ValerieK@TheTrademarkCompany.com  
Subject: FW: PartyGaming IA Limited vs. Soffin, Yessenia

Friday, 2/28 at 11:30 a.m works. Shall we call Matthew?

Begin forwarded message:

From: Valerie Kuhar <HYPERLINK  
"mailto:valeriek@thetrademarkcompany.com"valeriek@thetrademarkcompany.com>  
Date: February 25, 2014 at 8:59:40 AM CST  
To: "'Danielle I. Mattessich'" <HYPERLINK  
"mailto:DMattessich@merchantgould.com"DMattessich@merchantgould.com>  
Subject: RE: PartyGaming IA Limited vs. Soffin, Yessenia Danielle,

Are you available for the call on Friday, 2/28 at 11:30 a.m., 2:30 p.m., 3:00 p.m., or 3:30 p.m. (EST)?

Best,

Valerie Kuhar  
Litigation Specialist  
The Trademark Company, PLLC  
2703 Jones Franklin Road, Suite 206  
Cary, NC 27518  
Phone (800) 906-8626, Ext. 108  
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From: Danielle I. Mattessich [mailto:DMattessich@merchantgould.com]  
Sent: Monday, February 24, 2014 4:53 PM  
To: Matthew H. Swyers  
Cc: HYPERLINK  
"mailto:ValerieK@TheTrademarkCompany.com"ValerieK@TheTrademarkCompany.com;  
HYPERLINK  
"mailto:13367.0017usta.active@ef.merchantgould.com"13367.0017usta.active@ef.  
merchantgould.com; Scott W. Johnston  
Subject: RE: PartyGaming IA Limited vs. Soffin, Yessenia

Hi Matthew,

Scott asked me to arrange a "meet and confer" teleconference with you this Wednesday afternoon or Thursday (any time) to discuss the status of your client's discovery responses. Please let us know when you are available. Thank you.

Danielle

From: Matthew H. Swyers [mailto:mswyers@thetrademarkcompany.com]  
Sent: Monday, February 24, 2014 12:10 PM  
To: Danielle I. Mattessich  
Cc: HYPERLINK  
"mailto:ValerieK@TheTrademarkCompany.com"ValerieK@TheTrademarkCompany.com  
Subject: PartyGaming IA Limited vs. Soffin, Yessenia

FRE-408 Applies

Danielle,

In lieu of proceeding forward with the instant matter as well as in an effort to reach a global resolution of all issues between our clients, our client has authorized us to make the following offer of compromise:

1. PartyGaming IA Limited will compensate our client in the sum of \$5,000,000.00 U.S.;
2. As a result, our client will transfer all rights in its PARTY STAR POKER and related trademarks to PartyGaming IA Limited;
3. This settlement will act as a global resolution as between the parties resolving all known conflicts both before the TTAB as well as other tribunals with a mutual release of all claims therefor.

Kindly discuss the above settlement offer with your client and let us know their thoughts at your earliest convenience. Thank you,

Matthew H. Swyers  
The Trademark Company, PLLC



344 Maple Avenue West, PBM 151

Vienna, VA 22180 USA

Phone (800) 906-8626 x100

Facsimile (270) 477-4574

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# Merchant & Gould

An Intellectual Property Law Firm

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80 South Eighth Street  
Minneapolis, MN 55402-2215  
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Fax: 612.332.9081  
www.merchantgould.com

Direct Contact | 612.371.5395  
ggolla@merchantgould.com

March 28, 2014

VIA FIRST CLASS MAIL

Matthew H. Swyers  
The Trademark Company  
344 Maple Avenue West, Suite 151  
Vienna, VA 22180-5612

Re: PartyGaming IA Limited v. Yessenia Soffin  
Opposition No. 91207899  
Our Ref. 13367.17USTA

Dear Mr. Swyers:

We have reviewed the answers to discovery and the document production of Yessenia Soffin and find it extremely deficient.

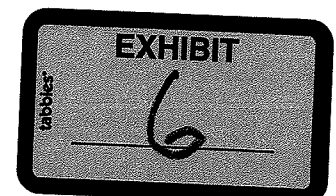
We have not received a signed verification page for the Interrogatories. Please provide us with this.

You produced 29 pages of documents, all but 6 pages of which are either the Notice of Opposition in this case, Archive.org database records, or GoDaddy whois searches. You provide no documents related to the selection, adoption and first use of the Applicant's mark. There is absolutely no internal or external correspondence or emails related to the Applicant's mark or services. This is despite the fact that we are aware of evidence of at least one email with Will Jordan regarding the domain name PARTYSTARPOKER.COM that was utilized in a related case in Florida, discussed below. Please confirm that all such documents no longer exist and detail when such destruction of documents occurred. Opposer will object to any documents not produced in discovery and is concerned about the apparent spoliation of evidence in this case.

Opposer demands that it receive complete responses to all its document requests and Interrogatories and in particular the requests detailed below.

No documents appear to be produced in response to the following document requests despite indicating that documents exist:

Atlanta | Denver | Knoxville | Madison | Minneapolis | New York | Seattle | Washington, D.C.



1. All documents and things referring or relating to the dates of first use and first use in commerce in the United States by Applicant of Applicant's mark on or in connection with Applicant's services.
2. All documents relating to Applicant's creation, consideration, design, development, selection, adoption, availability, and registration or attempts to register, both in the United States and abroad, of Applicant's mark.
5. Representative samples of Documents and Things referring or relating to the dates of the most recent use in commerce in the United States by Applicant of Applicant's mark in connection with Applicant's services.
6. All documents which disclose the length of time during which Applicant has offered goods or services under Applicant's mark in the U.S.
20. Each and every search conducted by or on behalf of Applicant regarding use of Applicant's mark or other designations that include the terms PARTY and POKER, or derivations thereof.
21. All Documents referring or relating to applications to register Applicant's mark, or any registrations to Applicant's mark, in the United States.
24. All documents which disclose the channels of trade through which Applicant offers or intends to offer services under Applicant's mark.
25. All documents, which disclose representative customers who have purchased Applicant's services offered under Applicant's mark including, but not limited to, reports regarding customer demographics.
26. All documents which relate to Applicant's past, present or future marketing plans or strategies for goods or services offered under Applicant's mark, including but not limited to, dollar amount expenditures, target markets, channels of trade, and demographic studies.
32. All Documents and Things related to any litigation, oppositions, cancellations, other trademark proceedings, civil litigations or criminal matters in which Applicant has been involved as a party or witness.

We demand complete responses to these requests.

You also indicate that no documents exist relating to many requests, including:

14. Documents from which Opposer can determine the amount of money that Applicant has expended or intends to expend on advertising Applicant's mark in the United States since Applicant first used Applicant's mark.

27. All Documents and Things from which the price of Applicant's services provided in connection with Applicant's mark, and the volume of sales of such services to date, can be determined.

This is despite the response to the Interrogatory:

Interrogatory No. 17: State Applicant's yearly expenditures to date with respect to the advertising and promotion of Applicant's mark in conjunction with each good or service since sales first began under Applicant's mark.

**Answer:** Applicant estimates its yearly advertising and promotional costs in connection with Applicant's Services to date to be nearly two million dollars (\$2,000,000).

Applicant claims two million dollars in advertising and promotional expenses per year yet has no documents related to the same. In this regard, Opposer must insist on receiving a full and complete response to these Document requests and the Interrogatories related to finances:

14. Documents from which Opposer can determine the amount of money that Applicant has expended or intends to expend on advertising Applicant's mark in the United States since Applicant first used Applicant's mark.
27. All Documents and Things from which the price of Applicant's services provided in connection with Applicant's mark, and the volume of sales of such services to date, can be determined.
38. Copies of complete federal and state tax filings for Applicant for the past five years.

Interrogatory No. 19: Specify the approximate gross revenue including, but not limited to, projected revenue generated by sales of Applicant's goods or services under Applicant's mark for each year since such sales began to the present.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad and burdensome.

Opposer also demands a full response to the following Interrogatories as there is no basis for objecting to the same:

Interrogatory No. 24: Specify whether Applicant intends to expand the goods/services offered under Applicant's mark to other goods or services, other channels of trade, or other geographic territories, and identify all documents relating or referring to such expansion.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad and burdensome.

Interrogatory No. 25: Identify all licensees of Applicant's mark, and in doing so, describe the terms of the licensing arrangement and identify each product or service offered by the licensee under each arrangement.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad and burdensome.

You do not provide a complete response to the following Interrogatories and Opposer requests the same:

Interrogatory No. 10: Specify the date of first use in commerce in the United States of Applicant's mark in connection with each good or service to be identified in response to Interrogatory No. 9, the manner of such use or intended use, the geographic territory in which such use has occurred or is intended to occur, and the types or classes of customers who were exposed to such use, and identify all Documents referring or relating to such first use.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad. Subject to said objection, Applicant began use of Applicant's mark for Gambling services; Providing a web-based system and on-line portal for customers to participate in on-line gaming, operation and coordination of game tournaments, leagues and tours in October 2011. Applicant's Services have been offered on domain name partystarpoker.com. Consumers of Applicant's Services are adults who enjoy playing online poker.

Interrogatory No. 22: Identify each person that Applicant expects to call as a witness in this proceeding, and state the subject matter on which such witness is expected to testify.

**Answer:** Will Jordan.

Interrogatory No. 27: Identify and describe all documents Applicant expects to use, introduce and/or rely upon during this opposition proceeding.

**Answer:** Applicant objects to the instant interrogatory on the grounds that it is overly broad and burdensome. Subject to said objection, see Applicant's Document Responses to Opposer's First Set of Request Production of Documents.

Interrogatory 28: Specify why Applicant took down the web site partystarpoker.com and identify all Persons with knowledge of the same.

**Answer:** Applicant was forced to shut down the website after his service provider received threatening emails from opposer.

Opposer will object to any testimony under the best evidence rule if documents exist that were not produced. Additionally, Opposer will object to any documents that were not produced in discovery.

Despite a related lawsuit to the Applicant's mark, ISOCIAL MEDIA INC. v. BWIN.PARTY DIGITAL ENTERTAINMENT PLC, filed in United States District Court for the Southern District of Florida, CASE NO. 12-81278-CIV-HURLEY, no documents were produced and the following Interrogatory response was received:

Interrogatory 30: Identify each law suit, dispute, trademark opposition, trademark cancellation action, cease & desist matter, criminal investigation, and domain

name dispute that Applicant or Applicant's mark was involved, and with respect to each, identify the parties involved, the subject matter involved, the date it took place, and the outcome.

**Answer:** Applicant has not been involved in any other legal proceeding concerning Applicant's Mark.

No documents were produced in response to the related document request number 9 for this lawsuit.

You have not addressed our repeated requests for deposition dates for your client. In this regard please find a notice of deposition for Yessina Soffin.  
Yessina Soffin

You have also If Will Jordan and William Soffin are the same individual, please indicate this fact. We are aware of at least one poker website that lists a person William Jordan-Soffin. We also need a current address for Will Jordan as this appears to be a third party.

We expect the parties can work together to find a mutually agreeable date and location for these depositions.

Very truly yours,

MERCHANT & GOULD P.C.

  
Gregory Golla

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PartyGaming IA Limited,	)	Opposition No. 91207899
	)	
Opposer,	)	Mark: PARTY STAR POKER
	)	
v.	)	Serial No.: 85/571,885
	)	
Yessenia Soffin,	)	Filing Date: March 16, 2012
	)	
Applicant.	)	Published: July 24, 2012
	)	

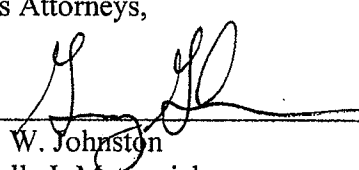
**OPPOSER'S NOTICE OF DEPOSITION OF YESSENIA SOFFIN**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 30, Opposer will take the deposition upon oral examination of Yessenia Soffin. The deposition shall take place on May 1, 2014 at 9:00 am at the Crown Plaza Hotel, 455 State Road 84, Fort Lauderdale, Florida, 33316, or at such other place, date and time mutually agreed upon or ordered by the Board. The deposition will be taken before a notary public or other officer authorized to administer an oath, and, pursuant to Federal Rule of Civil Procedure 30(b)(3), the deposition will be recorded stenographically.

**PARTYGAMING IA LIMITED**

By its Attorneys,


Date: 3-28-2014

  
\_\_\_\_\_  
Scott W. Johnston  
Danielle I. Mattessich  
Gregory Golla  
MERCHANT & GOULD P.C.  
80 South Eighth Street, Suite 3200  
Minneapolis, Minnesota 55402-2215  
(612) 332-5300

**CERTIFICATE OF SERVICE**

I hereby certify that on 3-28-2014 a true and correct copy of the  
foregoing OPPOSER'S NOTICE OF DEPOSITION OF YESSANIA SOFFIN  
was served upon Applicant's attorney of record by First Class Mail, postage prepaid:

Matthew H. Swyers  
The Trademark Company  
344 Maple Ave W., Ste. 151  
Vienna, Virginia 22180-5612

  
\_\_\_\_\_  
Gregory Golla



## Gregory Golla

---

**From:** Gregory Golla  
**Sent:** Friday, March 28, 2014 4:32 PM  
**To:** 'mswyers@thetrademarkcompany.com'  
**Cc:** '13367.0017usta.active@ef.merchantgould.com'; Scott W. Johnston; Sandra Lindemeier  
**Subject:** PartyGaming vs. Soffin - PARTY STAR POKER Opposition  
**Attachments:** 13367.17USTA\_20140328154308.pdf

Dear Matthew,  
Please find the enclosed letter.

### Gregory Golla

Shareholder  
Merchant & Gould P.C.  
3200 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402-2215  
USA

**Telephone** (612) 371-5395

**Fax** (612) 332-9081

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**Sent:** Tuesday, April 08, 2014 2:11 PM  
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**Subject:** FW: PartyGaming vs. Soffin - PARTY STAR POKER Opposition  
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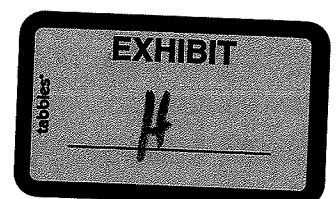
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**Sent:** Monday, April 14, 2014 1:38 PM  
**To:** mswyers@thetrademarkcompany.com  
**Cc:** '13367.0017usta.active@ef.merchantgould.com'; Scott W. Johnston; Sandra Lindemeier  
**Subject:** RE: PartyGaming vs. Soffin - PARTY STAR POKER Opposition

Dear Matthew,

I am following up regarding my email and voicemail to have a meet and confer. You have not responded to my voicemail message, letter or email. Please let me know if you intend to do so or if we should simply file our motion to compel.

### Gregory Golla

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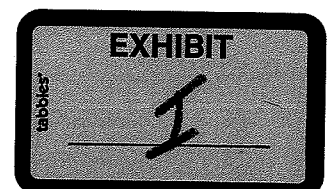
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